IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5517 of 1982
with
SPECIAL CIVIL APPLICATION No 4627 of 1983
with
SPECIAL CIVIL APPLICATION No 2217 of 1984
with
SPECIAL CIVIL APPLICATION No 3506 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJ.MOTOR VEHICLES DEPT.TECH. OFFICER ASSO.
Versus
STATE OF GUJARAT

Appearance:
Ms. Archna Amin, learned advocate for the petitioner
Ms. Nandini Joshi, ld.AGP for respondents in SCA No.5517/82 and 4627/83.
Ms. Shraddha Trivedi, ld.AGP for respondents in SCA No.3506/84 & 2217/84.

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 25/10/2001

COMMON ORAL JUDGEMENT

1. Gujarat Motor Vehicles Department Technical Officers Association, Ahmedabad, and others, petitioners have filed this petition praying for a writ of mandamus or any other appropriate writ, order or direction, quashing and setting aside Rules 3(ii) and (iii) of Assistant Regional Transport Officers Recruitment rules, 1972 being illegal and void and further to quash and set aside the decision of the State Government to fill up the post of Assistant Regional Transport Officer by direct recruits before appointing eight promotees. The petitioners by way of amendment also prayed that the respondents be directed to amend the Assistant Regional Transport Officers Recruitment Rules 1972 by providing the direct recruitment of Assistant Regional Transport Officers from amongst the persons holding the post of Motor Vehicles Inspectors in Motor Vehicle Department and holding diploma in Automobile Engineering.

2. It appears that when the matter was placed for hearing before this Court on April 26, 1983 this Court (Coram: P.D.Desai, Actg.C.J. & M.B.Shah, J. (as they were then) pleased to pass the following order:

"The first respondent is directed by this interim order to constitute a Committee consisting of the Principal of the L.D.Engineering College and the Principal of the Gujarat College, provided he holds a degree in science or mechanical, electrical or automobile engineering and if he does not hold such a degree, the head of the science department of the Gujarat College, to examine and report to the Court whether the diploma in automobile engineering issued by the Engineering College at Surat and Bhavsinhji Polytechnic at Bhavnagar can be treated as equivalent to a degree of a recognised university preferably in science, mechanical, electrical or automobile engineering. The petitioners as well as the third and fourth respondents will have liberty to make a representation in writing before such Committee in regard to the question of equivalence and if and when such a representation is made, the Committee shall take the representation into consideration while arriving at its decision. The Committee will also be entitled to make independent inquiry with regard to the contents of the courses and all other relevant aspects including equivalence, if any, determined by any agency such as the

university. The Committee will submit its report on June 13, 1983. The report will be supported by reasons.

S.O. to June 13, 1983.

Writ to be sent to the first respondent with the utmost expedition.

3. When the matter placed for hearing before this Court today Ms.Archna Amin, learned advocate for the petitioner states that in this case rules have already been framed and report was also submitted to the Government as per the order of this Court.

4. In the facts and circumstances of the case and in view of the fact that the rules have already been framed and some of the petitioners have already been retired, the grievance of the petitioners do not survive in this behalf.

5. In view of the same, all these petitions are disposed of as the same has become infructuous. Rule is discharged in each of the petition. Interim relief granted earlier shall stand vacated.

(K.M. Mehta, J.)

syed/